Dorothy M. Hartman Inventor 822 So. 5<sup>th</sup> Street Philadelphia, Penna. 19147 Sept. 16, 2008

#### EXPARTE COMMENTS BEFORE THE FCC

Re: CG Docket No. 08-177, parts 6, 7, 64; IB Docket No. 08-179, parts 25, 43, 63, 64; PS Docket No. 08-181; WT Docket No. 08-182, parts 1, 24, 27; WC Docket No. 08-183, part 69; and MD Docket No. 08-65

THESE COMMENTS ARE FILED EX-PARTE IN THE ABOVE REFERENCED DOCKETS BEFORE THE FCC. As referenced in previous comments before the Commission – in matters as they apply to the permission by the FCC for licensing, or otherwise access of broadband, wireless, telephone, cable, satellite or other corporate providers as they relate to use of the "INTERNET" and/or the "WORLDWIDE WEB "— this inventor claims proprietary and intellectual ownership of the INTERNET and WORLDWIDE WEB and therefore reiterates previous stipulations and objections regarding the FCC's granting of license or permission to these various entities as the Inventor claims that the FCC has no proprietary rights or claims to either the INTERNET or WORLDWIDE WEB and therefore basically does not have the right to grant licensing or "free access." The following comments were submitted by Hartman In Exparte Comments filed July 27, 2008 before the Commission:

hereby opposes the referenced petitions only as they apply to bidding, leasing, or free access to Broadband which accesses to the INTERNET or WORLDWIDE WEB either by phone, cable, or wireless. **Hartman** who claims that she is the inventor of the INTERNET and the WORLDWIDE WEB in an email to the FCC, PLEASE STOP THE FREE GIVEAWAY OF INTELLECTUAL PROPERTY, June 26, 2008 and by exparte comments to relevant proceedings before the FCC having to do with the disbursement of these services claims that this is her intellectual property. She further claims that the FCC is in error when it invokes the Communications Act of 1934 as its premise in

Dorothy M. Hartman, inventor, in the above referenced matter(s)

taking such actions including the distribution of licensing and other matters relating to communications, Title 47 CFR, 27.1(a) "The Rules for miscellaneous wireless communications services (WCS) in this part are promulgated under the provisions of the Communications Act of 1934 ........ The inventor Hartman contends that the FCC may be engaging in retroactive rulemaking citing the use of the 1934 Communications Act – law(s) written over 50 years before the introduction of the INTERNET, WORLDWIDE WEB, or 'BROADBAND'. Rules are retroactive if they "alter the past legal consequences of past actions "or "change what the law was in the past."

I, Dorothy M. Hartman aka Dorothy Hartman - have been placed

into this David vs. Goliath position of having to argue these hugely complex issues before a national forum even before I know the outcome of my patent application because basically my civil and constitutional rights have been breached by the government from 1990 when I first presented my proposal ACCESSING ACCESSIBILITY to government agencies and my constitutional rights continue to be violated to this day .The Government breached its agreement by what I allege is the sharing of confidential proprietary information with others and now the deliberate delay and hold up of my patent application since 2004. Because I am a disabled and reclusive person does not mean that I do not exist because I do and what is mine is mine. I will probably never be recognized or treated the way that I should be. I can only hope that is not true. However, one truth I am sure of and that is that I am the Inventor of the INTERNET and the WORLDWIDE WEB – not the distinguished Senators Gore, McCain or anyone else except for the earlier pioneers like Vinton and Cerf who laid out the earlier backbones and were the originators of the "internetting projects". The country that I was born in and which has glorified itself in trillions of dollars worth of profits without one iota of credit to me or one dime of compensation really should correct its injustice to me. Until then, I will continue to fight for what belongs to me. Under different circumstances (like not being Black, female, or disabled), I might have received the grant which I applied for in 1990 when presenting my ideas to the government and would have

been given the opportunity to have my own telecommunications company and to be able to compete. I can only be myself. Now, my patent application is being deliberately held up while the FCC tries in everyway possible to give away free access to the internet – except the telecom companies, search engines and other corporations get to charge fees for their services while all property rights and any access to financial compensation are taken from me. I want to be paid as well. Because of my ideas the government of the U.S. has put trillions of dollars into the economy – and have been recognized all over the world as being the innovators of the revolutionizing Internet and Worldwide Web - yet has not taken one step to recognize or thank me in any way by word or deed. The government should be the first to step in and try to make things right instead they continue to disrespect me, deny and humiliate me. I believe that racism and arrogance has a lot to do with that. It is an outrage and sad commentary that in the 21st century – we still have educated people still trying to live as though we are still in colonial days. These oppressive policies toward me should cease and cease right now!

My patent application was filed in December 2004 . Perhaps before – but I know at least since 2004 – the FCC has been aggressively pursuing every aspect of establishing license , policies , and giveaways to various communications and telecommunications carriers . Most recently 2006 – now trying to grant ' free access to the internet for everyone ' by its roll out of free broadband and allowing phone and cable companies , search engines , hotels , automobile companies , and any other corporation calling itself a name to offer " free internet services " to its clients . The INTERNET and WORLDWIDE WEB are not wholly owned by the Government , the FCC , or the telecom and other corporations which it so freely grants license and access to do whatever they want .

Most recently on September 4, 2008 a person appeared on the Fox News Business Channel who introduced himself as Milo Medin, Chairman and Co-Founder of M2Z-a

corporation which announced its intention to offer' FREE BROADBAND SERVICE'. He described what he wanted to do was offer a variety of services dial -up, cable or broadband . He cited Chairman Martin of the FCC as agreeing with him and that he hoped to achieve this by 2009. The FCC continues to support this concept and push this agenda while my patent application and all of the support documents in it of priority claims dating back to 1990 are a matter of public record (#11/003,123)—is being held hostage by the United States Patent and Trademark Office under the auspices of the Department of Commerce (one of the offending governmental agencies who received a copy of my writings on ACCESSING ACCESSIBLITY in 1991-1992 – the template on which the INTERNET is founded). I believe this to be a blatant disregard of my constitutional rights and an effort to further prevent me from any residual rights that I might have even in the event that I would receive a patent – any hope of recovery would be lost with the whole world having "free access". Not only would this do me irreparable harm – but because of the way this valuable resource is being mishandled for reasons of greed and bigotry - it would further doom the American economy to more devastation blocking a sure source of additional revenue to the country and that would be using the Internet and Worldwide Web as the precious commodities they are instead of giveaway tools only for the government's "pet" corporations. We know from experience by now that keeping the revenue concentrated among the few at the top does not "trickle down" and benefit the rest of the economy. We need to spread the revenue around, enable competition , and give payment and compensation where it is due including opportunities for the middle class and others to participate in gainful ways in the economy. That is the only way to maintain a healthy and vibrant economy.

I have enclosed copies of the Patent Application Information Retrieval on my patent application which I obtained from the USPTO website. My patent application has been deliberately withheld by the U.S. Patent Office which has delayed processing it for FOUR

YEARS in spite of my requests for extredition — and their knowing full well the urgency of resolving this matter . This corruption of the patenting process and the deliberate " politicizing " of my patent application while the FCC rushes to dispose of my rights to any say or management of the INTERNET and the WORLDWIDE web is a continuation of the injustice and the violation of my civil and constitutional rights in this matter . I have already notified the Supervisor of the department that if my patent is denied on the basis of the *prior use* rule , that I will immediately appeal as my letter dated November 13 , 1990 to the Small Business Administration which was the opening office which received my proposal and a conduit to the other government agencies participating in the SBIR and STTR programs stipulates clearly what was already inherent in the confidential agreement regarding proprietary information –and that was that my ideas not be shared with others for their gain as I had been denied funding . I have made a copy of that letter a part of my Exparte comments before the FCC; but there are also other original documents which are part of my patent application – dating back to 1990 .

The government has been in breach of its contract with me for 18 years since 1990 – and whether it is under the auspices of Confidential Proprietary Information or a Patent – the Internet and the Worldwide Web are my intellectual property . Any publication or public use of the Internet before my filing in 2004 is not my fault nor did I ever give my authorization to the government . How could I? After all , it is they who authorize me . Which is why – I am asking for fairness . I will appeal any denial based on *prior use* as not being my fault but is a consequence of a breach – therefore it should not prevent my patent from being granted . Because of the unique aspects of my invention - I may still receive a patent on Accessing Accessibility because of other claims which because of their nature – may not be disputed by prior claims . I am still waiting for the Patent Office's answers to these questions .

explanation. There have been unexplained delays. There are flat out errors and disinformation in the chronology of the status of the application – the numerous entries at 01/2008 - I do not even know what they are . THERE IS NO NON-FINAL OFFICE ACTION THAT HAS NOT BEEN RESPONDED TO , YET THE APPLICATION DATA AND THE TRANSACTION HISTORY DO NOT REFLECT THIS. This information is available at the uspto.gov website under the PUBLIC PAIR - Patent Application Information Retrieval. See attachments. I spoke to the Supervisor of the unit 3 times this year – each time I was told within a few months I would be given an answer as whether or not I would receive a patent. The last office action that I responded to sent to me in May, 2008 - was responded to on June 25, 2008. Copies of the Transmittal Sheet were submitted along with my previous Exparte Comments before the Commission on 7/4/2008 and 7/7/2008. This is the most recent of delays, although received and stamped by the patent office 6/25/2008 (see copy) – the application was not forwarded to the Examiner – a 3<sup>rd</sup> examiner until September 5, 2008. This date coincides with the date that the WCA ( Wireless Communications Association International , Inc . ) filed its REPLY TO OPPOSITIONS (one of these being my exparte comments to the FCC regarding Amendment of parts 1, 21, 73, 74, and 101 of the Commission's Rules to facilitate the provision of fixed and mobile Broadband access ...). I object to this choreographic dance between the USPTO, the Department of Commerce and the FCC in a deliberate effort to deny me a patent and my rights to claim my status as inventor of the Internet and the Web. The USPTO, I believe deliberately held up my patent application process to once again delay and allow time for the FCC, the WCA and others to deliberately continue to roll out this free use of proprietary and intellectual property owned by me and give free license to these telecom corporations WCA, M2Z and otherwise which have no proprietary

There have been 3 different examiners assigned to my patent application – without

rights or intellectual rights whatsoever to the internet or worldwide web .They do not even have alleged claims to the INTERNET or WORLDWIDE WEB. In response to comments by Sinderbrand and Kirk of Wilkinson Barker Knauer that "Exparte Comments in Opposition also were filed by Dorothy Hartman on the ground that she was the inventor of the Internet and the Worldwide Web . The pleading was never served on WCA as required by Section 1.429(f) of the Commissions Rules and it fails to specifically cite the WCA petition, let alone address a single argument raised by WCA. Thus, it is not addressed herein." I, Dorothy M. Hartman aka Dorothy Hartman will briefly reply to this statement and I have forwarded a copy of these and the Ex Parte Comments in full to the aforementioned. I am a retired science teacher, inventor, and entrepreneur. I am the inventor of the INTERNET and the WORLDWIDE WEB. My comments are directed to the FCC and previous comments have been directed to the Department of Commerce and the USPTO who have direct jurisdiction over these matters and the FCC has within its own power to correct this situation . I do not have to list every telecom, corporation, company, entity or otherwise as they are numerous and seem to increase in number. The statements that I make as outlined in the Exparte Comments in Opposition to the FCC dated 7/27/2008 referenced on page one refer to all – that means every corporation or entity having to do with use or access to the INTERNET or WORLDWIDE WEB of which there is only one - therefore the WCA according to its petition(s) is included. Mr(s). Sinderbrand and Kirk statements are moot. They need not acknowledge me in their petition, however the facts have not changed and my claims to ownership remain the same.

I understand the huge complexity of these issues and the government's reluctance to assign ownership or management to an individual of what is truly a mega phenomenon . I understand the onerous burden that the Government has of maintaining the integrity , security and sound fiscal policies which affect an entire nation — and obviously not doing to good a job at present . I really do understand the enormity and scope of what I am asking but it is what I deserve . It is so dull and predictable but true and I hate saying it but had I been

white and male – these injustices would not be occurring. I also understand that what is true is true and what is not is not. Whether or not I am ever recognized or compensated for my contributions – no one can take away my accomplishments. With all due respect I am not stupid and I am not crazy albeit I suffer from an overly sensitive nervous system but being acutely aware also has its up side and that is the ability to invent the Internet and the WorldWide Web along with other inventions which have found their way onto the market being prime examples. I recognize how huge all of this has become - it is exactly as I predicted in my writings on Accessing Accessibility in 1990. I understand the nature and scope of what I am asking the government to do by giving me my due. One thing is for sure to continue this violation of my rights and robbing me of what is rightfully mine is not the answer. I would much rather that the FCC and the Department of Commerce (USPTO) and I believe the U.S. Treasury Department spend time – trying to figure out how to regulate this thing properly so that my rights as an individual and an independent inventor are not violated while at the same time protecting the security of the country and the integrity of telecommunications industry for everyone. I as an individual do not presume to want to undermine the authority of the government. However, who can blame me for standing up for my rights as an inventor and defending a

I could join the ranks the Great Black Inventors — many of whom did not get their just due either while they left this world a better more orderly place. Norbert Rillieux 1806-1894 who refined sugar; Benjamin Bryadle 1840-? constructed the first working model of a steam engine; Lewis Latimer 1848-1928 who invented the a method of manufacturing filaments which made the light in Edison's lightbulbs possible; Granville Woods 1856-1910 who invented the third rail power line concept for trains and the electric magnetic brakes for trains; Garrett A. Morgan 1877-1963 for his automatic three-way electric stoplight which changed the control of motor traffic throughout the entire world;

legacy which my family could treasure for years to come?

**Dr. Charles Drew** for his innovations in open heart surgery — making possible the by-pass operations of today; **Otis Boykins** for his life saving control unit in the pace —maker which is being worn by heart patients through-out the world. There is only a small number of them listed here. The list goes on. Many Black Americans have been great inventors — though they are never acclaimed and held in high esteem as other white inventors who may have contributed much less.

I am not the first or the last Black inventor . I am trying to change this American tradition that some of us- perhaps not all- are neither acknowledged nor paid for our contributions . My invention has brought trillions of dollars into the economy and I should be reasonably compensated for that . The fair thing would have been for me to have received a grant and been given the opportunity to succeed or fail when I applied as obviously my proposals were good . That was not done , but my ideas were essentially stolen over my objections . Therefore the patent should be mine because it was my innovative ideas which were responsible in the improvement of the "internetting projects" and the change which became the INTERNET .

If denied a patent based on *prior use* -I will immediately appeal . Any one who thoroughly reads my patent application and reads the original documents which I submitted to the government between the years of 1990-1993 will have no doubt that the modern day INTERNET and WORLDWIDE WEB came about as a result of my intellectual contributions .

Government is big and strong enough and should be flexible enough to grant my patent which I deserve. At the same time it can differentiate or separate those parts of the spectrum or Broadband having to do with Military or Homeland Security, Emergency Response or Safety and Security matters which should be overseen and regulated by the Government alone. The Government has the power to do that. It can

separate the public , private , and government sectors .It can lay out its regulations , boundaries and guidelines within the Patent language itself – but to leave me without a patent or access to my own intellectual property and discredited is absolutely wrong . I understand the power of the government to do what it wants to do but MIGHT DOES NOT MAKE RIGHT! The FCC , the Department of Commerce and the USPTO should be about how it can resolve these matters without sacrificing my rights as the inventor of one of the world's greatest inventions instead of "steamrolling" over my rights . The USPTO could even write stipulations and set boundaries within the patent language itself as there are issues regarding government , military jurisdiction , emergency response issues and so on . The INTERNET is a rather unique invention in all aspects – but the answer is not to ignore me and my contributions . I do not need the world nor am I asking for the world , just what rightfully belongs to me . What I have right now is zero , and grief for what I so cheerfully brought to

situations – why can it not do so here? Surely we have people in the government smart enough to figure this out? Why hurt and deny me?

I hope that my patent will be granted. Just like I wrote in my writings in 1990, the ACCESSING ACCESSIBILITY method would revolutionize communications and grow the economy and bring us out of recession – it did that. I believe that by having ownership

the government 18 years ago. I am almost sorry now that I did. This is not right.

If the government can manage to work out rules and regulations for all other types of

the economy and bring us out of recession – it did that . I believe that by having ownership and control here within the United States – we could use the INTERNET and the WORLDWIDE WEB for the truly precious commodities that they are . We should be exporting use of the Internet and WorldWide Web and having people here and from around the world paying for its use to help once again to bring us out of financial crisis . As quiet as its kept , we do not have diamonds, gold , rubber , steel , or oil to export anymore no matter where we drill . The Internet and worldwide web are among if not our greatest resources

today and we should make them work for our country. It saved the country in the 1990's from the Savings and Loans mess and it can help to turn around the economy again is not misused as it is right now as a hook "free access" for a few corporations and against me its own inventor. This is a product that should be exported and paid for - if we have any rights left from those they may have already been hemorrhaged away by misuse to foreign countries - allowing free access and so on . The Internet and Worldwide web are resources that the world can no longer do without and even emerging nations are contantly coming on line. The money should not just be left for the Telecom companies, search engines and the like which though providing access with their technology have no proprietary or intellectual claims to the internet or web. Just like money is used to purchase phones, tvs, radios, computers and other commodities which have become necessary to the consumer so should fees be paid for the use of the INTERNET and the inventor should also have the opportunity to profit from her own invention. This inventor has no desire to take anything away from any of the telecom corporations, search engines, hotels, airlines, and any other companies using the INTERNET and WORLDWIDE WEB except for "free access". They would be expected to pay reasonable fees like any other consumer. This need not be any more burdensome for these users as any other type access or "line" fee .The Telecoms and other corporations will still provide their services and sell their products – but the inventor would not be stripped of her compensation. This is fair and just.

The Inventor , in the same generous spirit that she had when she brought her ideas to the government suggesting they could help the American economy would see to it that these revenues would find their way into our banks to shore up our economy and credit markets . By exporting and charging fees for this service and using it as the commodity which it is instead of the misuse the FCC intends by giving it away for the convenience of a few corporations and to strip the inventor of any rights – we can turn our economy around by

providing a steady source of revenue as who does not use the internet these days (the ones who are not or trying and there are still emerging nations to come on line ) creating revenue and bringing money back into our banks and building our economy. Perhaps at some point , the inventor may consider a public offering giving opportunity to citizens of the country an opportunity to participate and share in the income. Once again the INTERNET could give a boost to our economy - helping the U.S. gain its footing and helping the globab market which takes its cues from the United States. It could bring a great boost to our economy especially if this matter of its intellectual property being right here within the United States is handled properly as our own government though ICANN remains in control web addresses, information, and "cyber" real estate. The Internet and the Worldwide Web is the best thing to happen in this country in the 20th and 21st Century. I do not say this because I am its inventor but because it is true. I am not trying to take away the creative genius from the earliest pioneers of the "internetting projects" and their enormous contributions without which none of this would be possible either as they started the whole thing (internetting and telecommunications) -- however they are already being compensated and acclaimed to the best of my knowledge. Nor am I taking anything away from the thousands of individuals in Silicon Valley and the phone and computer companies who have put the technology in motion which has help build the INTERNET. Last time I checked, they too were profiting from it as well. Nor do I want the importance of what I have contributed taken away from me. What is mine is mine because none of them could have done it without me either and the modern day INTERNET as we know it would not exist today. Why should I be unpaid and forgotten? The concepts for the modern day internet came from me and no one has been able to prove any differently. It is high time that I was acknowledged and compensated .Taking my ideas and then discarding my rights as though they do not exist is an abomination. Thus far continuing the injustice against me by suppressing the truth, and "politicizing" my patent application while

continuing to violate my civil and constitutional rights is not acceptable. I OBJECT, OBJECT, OBJECT! I will continue to make my opposition known as long as this injustice continues. Bigotry, Arrogance, and Greed continue to rob me of my legacy. I was 47 years old when I went to the government, so full of hope about my ideas. I am now 64 years old now. It is time for this travesty to end. For all of the trillions of dollars that my contributions have brought into the economy and the amount of education, knowledge, services and everything else which has been contributed by the INTERNET and the WORLDWIDE WEB – this is the way that I am treated? This is an injustice which the Government should have corrected years ago. Instead, the USPTO continues to pursue a 'hurry up and wait' policy in the processing of my patent application. The Department of Commerce continues to rob me of any financial compensation for my contributions while the FCC aggressively pursues every avenue possible to give away "free access" to my invention by others in order to strip me of any ownership or management of my own intellectual property. It is an abomination! The fact that I suffer from a functional nervous disorder and am a reclusive individuals does not make me less of a person.

I am a human being, the true inventor of the internet and no amount of misconception can change the facts or the truth about that. These comments consist of a total of 20 pages.

Date: Sept. 17, 2008 Sphailed

<sup>\*7</sup> documents are attached 2 cover sheets from patent office showing the names of examiners . 3 sheets from Public Pair showing status of patent application # 11,003,123, 1 USPTO stamped transmittal sheet 6/25/2008, UPS delivery confirmation.

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Patent Official Gazette	01-28-2008	Informal or Non-Responsive Amendment after Examiner Acti	
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Other	12-19-2007	Non-Final Rejection	
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	03-21-2005	Notice MailedApplication IncompleteFiling Date Assigned	
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### Bibliographic Data

Application Number:

Date:

11/003,123

03-07-2005

Customer Number:

Status:

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05-23-2

Application Type: Utility

Filing or 371 (c)

SMITH, JEFFREY A

Location:

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Group Art Unit:

Confirmation

Examiner Name:

3625 4653

Earliest Publication No:

Location Date:

**US 200** 

Attorney Docket

Number:

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Earliest Publication Date:

09-07-2

Class / Subclass:

705/026

Patent Number:

First Named Inventor:

Dorothy Hartman, Philadelphia, PA

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number **Application Number** 11/003,123 TRANSMITTAL Filing Date Filing  $03_{\circ}/07/$ 2005 First Named Inventor **FORM** Dorothy M. Hartman Art Unit 3625 **Examiner Name** Deshpande Kalyank (to be used for all correspondence after initial filing) Attorney Docket Number Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance Communication to TC X blusbeets. Fee Transmittal Form 1 sheet Appeal Communication to Board Licensing-related Papers of Appeals and Interferences Fee Attached X 739 ± 29 Amendment/Reply 29 = 68Appeal Communication to TC Petition (Appeal Notice, Brief, Reply Brief) sheets Petition to Convert to a Proprietary Information After Final **Provisional Application** Power of Attorney, Revocation Status Letter Affidavits/declaration(s) Change of Correspondence Address Other Enclosure(s) (please Identify Terminal Disclaimer **Extension of Time Request** below): Letter re: Request for Refund **Express Abandonment Request** Req. for Substitute CD, Number of CD(s)\_ Information Disclosure Statement Specification Landscape Table on CD **Certified Copy of Priority** Remarks Express MAIL Conficere Document(s) Reply to Missing Parts/ # GH 320344365 US Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name Dorothy M. Hartman Signature Printed name Date Reg. No. June 2008: **CERTIFICATE OF TRANSMISSION/MAILING** I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: Slanature

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Dorothy M. Hartman Date

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
11/003,123	03/07/2005	Dorothy M. Hartman		4653	
7590 12/21/2007 Dorothy M. Hartman 822 So. 5th St. (FR.)			EXAMINER		
			GART, MATTHEW S		
Philadelphia, PA 19147			ART UNIT	PAPER NUMBER	
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Paper No.

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First Named Inventor:	Hartman, Dorothy, M.	Examiner:	DESHPANDE, KALYAN K
Attorney Docket No.:		Art Unit:	3625
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**Commissioner for Patents** 

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